

INTERIM CONVEYANCE

WHEREAS

Afognak Joint Venture

is entitled to a conveyance pursuant to Sec. 1427(b)(1) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96-487, 94 Stat. 2371, 2518-28, and Secs. 14 and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613, 1621(j), of the surface estate in the following-described lands:

Seward Meridian, Alaska

Lighthouse Point Lighthouse, Tonki Cape Lighthouse, and Dolphin Point Lighthouse, more particularly described as:

T. 19 S., R. 20 W., partially surveyed  
Sec. 31.

Containing approximately 1.0 acres.

T. 21 S., R. 16 W., unsurveyed  
Sec. 19.

Containing approximately 10 acres.

T. 21 S., R. 17 W., unsurveyed  
Secs. 13 and 24.

Containing approximately 380 acres.

T. 24 S., R. 24 W., partially surveyed  
Sec. 11.

Containing approximately 2.0 acres.

\* Aggregating approximately 393 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, if any, up to the ordinary high water mark, beneath rivers 3 chains wide (198 feet) and wider and lakes 50 acres and larger, which are meanderable

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according to the 1973 Bureau of Land Management Manual of Surveying Instructions, as modified by Departmental regulation 43 CFR 2650.5-1. These submerged lands will be identified at the time of survey.

Also excluded are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f), and Section 1427(c) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96-487, 94 Stat. 2371, 2524;
2. Title to all improvements used in conjunction with the operation of the navigation aids which are located upon or attached to the land is reserved to the United States, along with the right to remove the improvements in a reasonable manner, at such future time as it finds appropriate; and
3. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

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25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (ATVs) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site - The uses allowed for a site easement are vehicle parking (e.g., aircraft, boats, all-terrain vehicles (ATVs), snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

- a. (EIN 100, J) A combination of miscellaneous easements for an existing U.S. Coast Guard navigation aid known as Lighthouse Point Lighthouse, located in protracted Sec. 31, T. 19 S., R. 20 W., Seward Meridian, at latitude 58°28'59.21" N., and longitude 152°39'01.55" W. The easements include a circular site, having a radius of 100 feet, whose center is the center of the navigation aid and the right of ingress and egress to the site. In addition, an easement is reserved for the airspace, through an arc having a 300 foot radius, whose center is the navigation aid, from 253.5° true north, clockwise, to 105.0° true north. The uses allowed include those uses associated with the construction, reconstruction, operation, and maintenance of the navigational aid, the right to clear and keep the lands clear from any obstruction infringing upon or penetrating the airspace, the right to remove buildings or obstructions of any type which may infringe upon or extend into the airspace, and the right to prohibit use on and remove from the lands beneath the airspace any object which would create interference for users of the navigation aid.
- b. (EIN 101, J) An easement twenty-five (25) feet in width for an existing access trail from EIN 102, J, in protracted Section 31, T. 19 S., R. 20 W., Seward Meridian, northerly to the navigation aid. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- c. (EIN 102, J) A one (1) acre site easement upland of the mean high tide line in protracted Sec. 31, T. 19 S., R. 20 W., Seward Meridian, on the south shore of Shuyak Strait. The uses allowed are those listed above for a one (1) acre site.

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- d. (EIN 103, J) A combination of miscellaneous site easements for an existing U.S. Coast Guard navigation aid known as Tonki Cape Lighthouse, located in Sec. 13, protracted T. 21 S., R. 17 W., Seward Meridian, at latitude  $58^{\circ}21'11.432''$  N., and longitude  $151^{\circ}59'03.283''$  W. This easement is circular, having a 235 foot radius whose center is the center of the navigation aid and includes the right to ingress and egress to the site. The uses allowed include those uses associated with the construction, reconstruction, operation, and maintenance of the navigational aid, the right to clear and keep the lands clear from any obstruction infringing upon or penetrating the airspace, the right to remove buildings or obstructions of any type which may infringe upon or extend into the airspace, and the right to prohibit use on and remove from the lands beneath the airspace any object which would create interference for users of the navigation aid.
- e. (EIN 104, J) An easement twenty-five (25) feet in width for an existing access trail from EIN 102, J, in Section 24, protracted T. 21 S., R. 17 W., Seward Meridian, northerly to the navigation aid. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- f. (EIN 105, J) A one (1) acre site easement upland of the mean high tide line in Sec. 24, protracted T. 21 S., R. 17 W., Seward Meridian, in a small bight on the west side of Tonki Cape. The uses allowed are those listed above for a one (1) acre site.
- g. (EIN 106, J) A combination of miscellaneous easements for an existing U.S. Coast Guard navigation aid known as Dolphin Point Lighthouse, located in protracted Sec. 11, T. 24 S., R. 24 W., Seward Meridian, at latitude  $58^{\circ}06'24''$  N., and longitude  $153^{\circ}08'54''$  W. The easements include a circular site, having a radius of 200 feet, whose center is the center of the navigation aid and the right to ingress and egress to the site. In addition, an easement is reserved for the airspace, through an arc having a 200 foot radius, whose center is the navigation aid, from  $0^{\circ}$  true north, clockwise, to  $360^{\circ}$  true north. The uses allowed include those uses associated with the construction, reconstruction, operation, and maintenance of the navigational aid, the right to clear and keep the lands clear from any obstruction infringing upon or penetrating the airspace, the right to remove buildings or obstructions of any type which may infringe upon or extend into the airspace, and the right to prohibit

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use on and remove from the lands beneath the airspace any object which would create interference for users of the navigation aid.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plats of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. The provisions of Sec. 1427(c) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96-487, 94 Stat. 2524, that no action will be taken or permitted which may be inimical to bear denning activities on the Tonki Cape Peninsula;
4. The provisions of Sec. 1427(b)(5) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96-487, 94 Stat. 2523, that the lands shall remain open and available to sport hunting and fishing and other recreational uses by the public under applicable law, subject only to reasonable restrictions necessary to insure the public safety and minimize conflicts between those persons recreating and ongoing logging or other commercial operations, and that access by employees of the State of Alaska shall be permitted for purposes of managing fish and wildlife and by other State officers and employees and employees of political subdivisions of the State for purposes of carrying out the provisions of that subsection; and
5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

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IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 20th day of June, 1989, in Anchorage, Alaska.

UNITED STATES OF AMERICA

/s/ Patricia A. Baker

Patricia A. Baker  
Acting Chief, Branch of KCS Adjudication

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